

**To:** Way, Steven[way.steven@epa.gov]; Rudy, Michael[Rudy.Mike@epa.gov]; Guy, Kerry[Guy.Kerry@epa.gov]  
**From:** Sisk, Richard  
**Sent:** Wed 10/21/2015 11:38:49 PM  
**Subject:** RE: SMPA EASEMENTS

**Attorney Client/Ex. 5**

**Attorney Client/Ex. 5**

**Attorney Client/Ex. 5**

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**From:** Way, Steven  
**Sent:** Wednesday, October 21, 2015 4:23 PM  
**To:** Rudy, Michael; Guy, Kerry  
**Cc:** Sisk, Richard  
**Subject:** Fwd: SMPA EASEMENTS

There are a couple matters to address from the Power company, which are now preventing the ability to make the power connection and placement of conduit to the treatment facility.

1. Can we obtain the title information for this to provide the Grantors so they do not have to do this. (It's in our interest to fix this.)

**Attorney Client/Ex. 5**

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We plan to make this connection as soon as the building is constructed by next week.

Thank you and let me know if you need something more from me.

Steve

Sent from my iPad

Begin forwarded message:

**From:** "Matt Francis" <[m.francis@erllc.com](mailto:m.francis@erllc.com)>  
**To:** "Way, Steven" <[way.steven@epa.gov](mailto:way.steven@epa.gov)>, "Guy, Kerry" <[Guy.Kerry@epa.gov](mailto:Guy.Kerry@epa.gov)>  
**Subject:** Fwd: SMPA EASEMENTS

Sent via the Samsung Galaxy Note® 3, an AT&T 4G LTE smartphone

----- Original message -----

From: Jeremy Fox <[jeremy@smpa.com](mailto:jeremy@smpa.com)>  
Date: 10/21/2015 9:56 AM (GMT-06:00)  
To: Matt Francis <[m.francis@erllc.com](mailto:m.francis@erllc.com)>  
Cc: Duane DeVeney <[Duane@smpa.com](mailto:Duane@smpa.com)>  
Subject: SMPA EASEMENTS

Mr. Francis,

Duane forwarded the easement documents that you sent to him regarding a project for the Gold King Mine and a proposed primary power extension. While we are amenable to small wording changes if approved, SMPA cannot agree to the proposed changes to our standard underground easement. I have several concerns addressed below...

- 1 SMPA requires that the Grantor(s) warrant title to the easement area. Depending on the nature of the prior encumbrances, this warranty may be subject to those matters.
- 2 There is no Grantor listed for the LCM Mill Site on the second attachment.
3. SMPA will not agree to the addendum wording. You will be responsible for contacting SMPA upon any type of termination requests of an existing easement. Relinquishment of an existing easement must be board approved.

I have consulted with our legal counsel and attached new drafts that SMPA is willing to accept. Please have these attachments signed and notarized. SMPA will file the attached exhibit with both easements. I understand the project is under stress to move forward and hope this is not a major set-back, however we must have the proper easements in place before installing SMPA facilities.

Thank You,

Jeremy Fox  
Service Planning Supervisor

[SMPA Logo 4Color Sml]

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This message contained an attachment which the administrator has caused to be removed.

\*\*\*\*\* ATTACHMENT REMOVED  
\*\*\*\*\*

Attachment name: [image001.jpg]  
Attachment type: [image/jpeg]